

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



July 16, 2004

Regulation Package #0603-16

CDSS MANUAL LETTER NO. EAS-04-05

TO: HOLDERS OF THE EAS MANUAL

Regulation Package #0603-16**Effective 6/12/04****Sections 47-110 and 47-310**

This manual letter has been posted on the Office of Regulations Development website at http://www.dss.cahwnet.gov/ord/Eligibilit_617.htm.

CalWORKs Child Care regulations provide a description of individuals including children, CalWORKs clients and child care providers, who are eligible to participate in this program. They also include a description of county responsibilities for operating Stage One of the CalWORKs Child Care Program, including optional provisions that counties may implement if needed to meet the child care needs of participants in their county. However, they did not address Intercounty Transfers situations. These amended regulations will minimize the disruption of Stage One child care services for current recipients when transferring from one county to another. They assure consistency in the regulations during those time periods of an Intercounty Transfer when Stage One child care must be provided.

These regulations also specify the responsibility of the first county to inform the client to apply for child care in the new county. It also requires the second county to establish a child care case during the cash aid transfer period when the client applies for and meets child care eligibility requirements. These regulations provide standards for which county has payment responsibility when a client moves to a new county. Additionally, the regulations specify reasonable time periods for both counties to ensure that current and former CalWORKs clients receive Stage One child care services when transferring from one county to another without a delay.

These regulations were considered at the Department's public hearing held on November 12, 2003.

FILING INSTRUCTIONS

For all pages in this manual letter, revisions are indicated by a vertical line in the left margin. Revisions shown in graphic screen will continue to be shown in that manner on the other pages of this manual until those pages are released in a manual letter. The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing EAS changes was EAS-04-04.

Page(s)**Replace(s)**

628 through 630.1
638
640.1 and 640.2

Pages 628 through 630.1
Page 638
Insert after Page 640

Attachments

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47-110 DEFINITIONS (Continued)

47-110

(d) (Reserved)

(e) (1) Eligibility List

"Eligibility List" means a waiting list for admission to state and federally subsidized child development services administered by the California Department of Education.

(2) Exempt from Licensing or License-Exempt

"Exempt from licensing" or "license-exempt" means that a child care provider is not required to obtain a child care license, as specified in the California Code of Regulations, Title 22, Division 12, Section 101158.

(f) (1) Family Fee

"Family fee" means the amount, if any, that the client shall be required to pay towards his or her child care costs, based on the fee schedule established by the State. The family fee is distinct from the co-payment, as defined in Section 47-110(c)(2).

(2) First County

"First County" means the county from which the client will move or has moved.

(3) Former CalWORKs Client

"Former CalWORKs client" means an individual who received cash aid under CalWORKs in the prior 24 months and needs child care to continue his or her employment or fulfill his or her county-approved program activity.

47-110 DEFINITIONS (Continued)

47-110

(g) (Reserved)

(h) (Reserved)

(i) (1) Intercounty Transfer

"Intercounty Transfer" means the transfer of responsibility for determination and payment of Stage One child care services from one county to another.

(j) (Reserved)

(k) (Reserved)

(l) (1) Licensed Provider

"Licensed Provider" means an individual or organization that has obtained a child care license, as specified in the California Code of Regulations, Title 22, Division 12.

(m) (Reserved)

(n) (Reserved)

(o) (1) Overpayment

"Overpayment" means payments for child care services in excess of the amount which either the client or the child care provider is eligible to receive.

(p) (Reserved)

(q) (Reserved)

(r) (1) Registration Fee

"Registration Fee" means a one-time or periodic service or application fee charged by a child care provider.

(2) Resource and Referral Program

"Resource and Referral Program (R & R)" means a program that provides information and referrals for child care, information and referrals for community services, and coordination of community resources.

47-110	DEFINITIONS (Continued)	47-110
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| (s) | (1) Second County | "Second County" means the county to which the client will move or has moved to make his/her home. |
| (t) | (Reserved) | |
| (u) | (1) Underpayment | "Underpayment" means payments for child care services that are less than the amount which either the client or the child care provider is eligible to receive. |

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 42 U.S.C. 9858 et seq.; 42 U.S.C. 9801 Note (b)(4); 42 U.S.C. 9858c(c)(2)(H); 42 U.S.C. 9858c(c)(2)(A) and (c)(5); 42 U.S.C. 9858e; 42 U.S.C. 9858n; 45 CFR 98.15(a)(3); 45 CFR 98.20(b)(3); 45 CFR 98.30; 45 CFR 98.42; Sections 8208, 8208.1, 8263, 8264, 8354 and 8357, Education Code; Section 1596.792, Health and Safety Code; Sections 11320.3, 11323.2, 11323.4, and 11324, Welfare and Institutions Code; Budget Act: AB 107, Chapter 282, Statutes of 1997, Item 6110-196-0001, Provision 9, and Item 6870-101-001, Provision 16(c).

47-120	CHILD CARE REQUEST PROCESS	47-120
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| .1 | Child Care Request Method | The client may request Stage One child care from a CalWORKs worker either verbally or in writing upon entry into the CalWORKs assistance program or at any subsequent time. |
| .11 | Verbal Request | When a Client makes a verbal request for child care, the county shall document the request, provide a copy of the documentation to the person responsible for processing child care requests who retains a copy in the child care case file, and provide or mail a written confirmation to the client. |
| .111 | Date of Request | The date of the request is the date the county receives the client's verbal request. |

47-120	CHILD CARE REQUEST PROCESS (Continued)	47-120
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.12	Written Request	A written request may include, but is not limited to, the county's child care request form, a notation on the informing notice, the eligibility/status report, or a letter from a client.
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.121	Client Responsibility	The client shall deliver or mail the written request to the county.
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.122	County Responsibility	Upon the receipt of a written request, the county shall date stamp the request, retain a copy in the case file, provide a copy to the person responsible for processing child care requests who retains a copy in the child care case file, and provide or mail a written confirmation to the client.
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.123	Date of Request	The date of request shall be determined as follows:
	(a)	If the client hand delivers the written request, the date of the request shall be the date stamped by the county.

	(b)	If the client mails the request, the date of the request shall be the date postmarked on the envelope. The county shall retain a copy of the envelope in the case file. If the request date cannot be determined by the postmark, the date of the request shall be three days prior to the date stamped by the county.
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.2	Required Information	The county shall inform clients that the following information must be received in order to process their child care request:
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.21	Client Information	Client information as specified in Section 47-320.2; and
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.22	Provider Information	Provider information as specified in Section 47-260.
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47-310	INTERCOUNTY TRANSFERS	47-310
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| .1 | First County | Upon notification of the CalWORKs Child Care client transferring to a new county, the first county shall: |
| .11 | Inform Clients | Inform the client in writing of the responsibility to apply for child care in the second county and the payment responsibility information specified in Section 47-310.3 in order to avoid a break in child care services. |
| .2 | Second County | The second county shall: |
| .21 | Establish a Child Care Case | Establish a child care case as soon as the client applies for and meets the child care eligibility requirements as specified in Section 47-220, regardless of the status of the cash aid transfer. |

HANDBOOK BEGINS HERE

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| .211 | Cash Aid Determination | If cash aid is approved, the client receives child care as a current CalWORKs client. |
| | | If cash aid is denied, the client receives child care as a former CalWORKs client as defined in Section 47-110(f)(3), if otherwise eligible. |

HANDBOOK ENDS HERE

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| .22 | Make Appropriate Referral | Refer the child care case to the responsible agency as provided in Section 47-301.5, if the second county determines that the client is eligible for Stage Two or Stage Three child care. |
| .23 | Availability of Stages | Provide child care in Stage One until child care is provided in Stage Two or Three, as provided by Section 47-301.5, unless the family is otherwise ineligible. |
| .3 | Change in Payment Responsibility | There shall be no delay in child care payments when the county receives from the client the necessary child care payment information specified in Section 47-420.21. |

47-310	INTERCOUNTY TRANSFERS (Continued)	47-310
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| .31 | When Changing Providers | When the client moves and is changing providers: |
| .311 | First County | The first county shall pay for child care through the last day the existing provider provides services. |
| .312 | Second County | The second county shall become responsible to pay child care to the new provider regardless of the completion of a cash aid transfer period. |

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| .313 | Cash Aid Transfer Period as Specified in Section 40-187.16 | The period of time in which the second county determines eligibility and the first county remains responsible for payment of aid. |
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| .32 | When Not Changing Providers | When the client moves and does not change providers: |
| .321 | On Cash Aid | The first county shall continue to pay for child care until the cash aid transfer period is completed, or sooner with mutual agreement between both counties. |
| .322 | Off Cash Aid | The first county shall continue to pay for child care for up to 30 days from the date the client moves out of the county, at which time the second county assumes responsibility for payment. |

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553 and 10554, Welfare and Institutions Code; and Section 40-187, CDSS manual of Policies and Procedures.